

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS, INDIANA

IN RE BRIDGESTONE/FIRESTONE, INC.)	Master File No. IP 00-9373-C-B/S
ATX, ATX II and WILDERNESS TIRES)	MDL Docket No. 1373
PRODUCTS LIABILITY LITIGATION)	
)	
)	
)	
THIS DOCUMENT RELATES TO ALL)	
ACTIONS)	

**ORDER REGARDING FORD'S
PRESERVATION OF ELECTRONIC DATA**

This Order supplements the portion of the Court's November 22, 2000, Order on Organizational Structure and Discovery related to preservation of documentary evidence by the defendant Ford Motor Company ("Ford").

1. During the pendency of this litigation, the parties shall maintain electronic document and data retention policies designed to ensure the retention of electronic documents consistent with Federal Rule of Civil Procedure 34(a), including, but not limited to, email, word processing documents, spreadsheets, databases and other electronic data items which are likely to contain or lead to the discovery of information relevant to the facts at issue in this litigation ("discoverable electronic information"). In connection therewith, Ford shall maintain its routine back-up procedures designed to maintain network drives. Further, Ford shall, on a monthly basis, set aside a set of tapes that contain a full back-up of its company-wide email system. In addition, Ford shall set aside, on a quarterly basis, a set of tapes that contain a full back-up of print/file servers that Ford shall identify as likely to contain discoverable electronic information. Finally, Ford shall retain any back-up tapes in existence as of the date of this Order (historical back-up tapes).

These email server, print/file server, and historical back-up tapes shall be retained by Ford during the pendency of this litigation unless the parties agree to, or the Court orders, their earlier deletion.

2. To ensure that discoverable electronic information continues to be retained in accordance with this Order, Ford shall notify its employees who are likely to have such information of their continuing obligation to retain it. These notifications shall be made no less than monthly, and shall include instructions to employees to identify all computers with hard drives likely to contain discoverable electronic information before the reformatting or disposal of such hard drives. Ford shall also notify its employees no less frequently than monthly of their obligation to retain, during the pendency of this litigation, data archived or backed-up as part of any special back-up, whether due to system upgrade, transition planning, system migration, disaster recovery planning, Y2K testing, or other reason, if such data are likely to contain discoverable electronic information. Ford is not obligated to retain such back-up data if a special back-up is done and the data is restored to the system or is never removed from the system (*e.g.*, an “insurance” back-up done before a hardware upgrade).

3. Ford shall also notify its employees who are likely to have discoverable electronic information that they must maintain the technological capability to retrieve and read such information during the pending of this litigation. If Ford believes that the burden and cost of maintaining such software and hardware is unreasonable, Ford shall meet and confer with plaintiffs. If the parties are unable to reach a mutually satisfactory agreement, the parties shall brief the issue to this Court.

4. Ford shall use its best efforts to obtain certifications from employees likely to possess discoverable electronic information. These certifications will state that the employees have made a reasonable and duly diligent effort to determine if they have discoverable electronic information and, if they

have such discoverable electronic information, that they have so informed Ford's counsel and taken reasonable steps to preserve the discoverable electronic information without alteration. Ford will use its best efforts to obtain such certifications within 90 days from the date of this Order. Ford shall retain these certifications until the conclusion of the litigation and shall not be required to provide the certifications to plaintiffs except upon order of the Court. Plaintiffs' counsel shall obtain similar certifications from their clients.

5. This Order applies to (1) electronic documents in existence as of the date of this Order; and (2) final saved versions of documents created after the date of this Order.

IT IS SO ORDERED.

Dated this 15th day of March, 2001.

V. Sue Shields
United States Magistrate Judge
Southern District of Indiana

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